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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,782	12/22/2000	Christer Fahraeus	63917	1423

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EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT	PAPER NUMBER
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2674

14

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,782

Applicant(s)

FAHRAEUS, CHRISTER

Examiner

Kimnhung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-18 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Application has been examined. The claims 1, 3-9, 11-18 and 20-25 are pending. The examination results are as following.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-9, 11, 13, 16-18 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks (US patent 5,434, 371) in view of Sekendur (US patent 5,852,434 cited by Applicant).

Brooks discloses in figures 1-2 and 6 that a handheld electronic device which is adapted to carry out at least one operation characterized (by written) by a register device (10) for registering strokes when device is moved, interpretation means (30) for determining if the strokes comprises a command; processor means (30) for carrying out an operation upon determination of the command.

Brooks disclose that the registration device is adapted to record the command electronically arranged on a writing surface (3), wherein the registration device comprises an optical sensor (10) which adapted to record images (39, figure 6) of the writing surface (3), and a signal processor (30) which is adapted to use digital presentation of the command (see abstract). The device is a digital pen for electronic recording of information (see figure 6).

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From the claims as disclosed above, however, Brooks does not disclose that wherein the registration device is detecting a position code arranged on a writing surface. Sekendur discloses in figure 4, a position-related coding for indicating X-Y coordinates and detector within the stylus (see column 5, lines 1-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of a position-related coding and detector within the stylus as taught by Sekendur into the device system of Brooks because this would format the writing surface by writing by the code and reflect the selected frequency of light and detector picks-up the selected frequency of light (see Sekendur, column 5, 51-62).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks (US patent 5,434,371) in view of Sekendur (5,852,434) and in view of WO 9946909 A1 (ULLMAN cited by applicant).

Brooks discloses in figures 1-2 and 6 that a handheld electronic device which is adapted to carry out at least one operation characterized (by written) by a register device (10) for registering strokes when device is moved, interpretation means (30) for determining if the strokes comprises a command; processor means (30) for carrying out an operation upon determination of the command. Sekendur discloses in figure 4, a position-related coding for indicating X-Y

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coordinates and detector within the stylus (see column 5, lines 1-21). However, Brooks and Sekendur do not disclose that the device is a mobile telephone and that is a second part or transceivers for mutual wireless communication. The patent of WO A1 (ULLMAN discloses the device having the part of the mobile telephone or sends signals to the mobile telephone via a line or cordlessly, that is the transceivers for mutual wireless communication (see page 5, lines 28-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the part of the mobile telephone or sends signals to the mobile telephone via a line or cordlessly as taught by ULLMAN in the display device with pen input of Brooks and Sekendur because this would permit the user to view the incoming call number and party associated with the member.

Response To arguments

6. Applicant's argument filed on 9-3-03 has been fully considered but they are not persuasive.

Applicant argues that Brooks fails to teach a registration device, which is adapted to record the command electronically by detecting a position code arranged on a writing surface. However, this argument is not persuasive due to the teaching of combination of Brooks and Sekendur as disclosed. Brooks discloses a registration, which is adapted to record the command; Sekendur discloses a position code (see Sekendur, column 5, lines 1-21) into the registration of Brooks. For this reason, the rejection is maintained.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number (703) 308-0425.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D. C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,
Arlington, VA Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kimnhung Nguyen
February 11, 2004

A handwritten signature in black ink, appearing to read 'R. Hjerpe', with a stylized flourish at the end.

RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600